

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE TEXT OF THE INTRODUCTION AND ADMINISTRATION ELEMENT (TO MODIFY THE COASTAL HIGH HAZARD AREA (CHHA) AND THE HURRICANE VULNERABILITY ZONE DEFINITIONS; TO ADD A DEFINITION FOR HURRICANE EVACUATION ZONE); AMENDING THE COASTAL MANAGEMENT ELEMENT (TO REVISE AND UPDATE THE CHHA REFERENCE; TO REVISE TEXT TO ADDRESS GRAMATICAL OR SYNTAX ERRORS AND REFLECT CURRENT CONDITIONS); AMENDING THE MAP SERIES (TO REVISE MAP CM 2.1 TO REFLECT THE UPDATED BOUNDARIES FOR THE HURRICANE EVACUATION ZONE PLAN A); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 18 & 25 and July 9, 2004 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 19, 2004 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

1 WHEREAS, Palm Beach County received on November 17, 2004 the
2 Department of Community Affairs "Objections, Recommendations, and
3 Comments Report," dated November 15, 2004, which was the Department's
4 written review of the proposed Comprehensive Plan amendments; and

5 WHEREAS, the written comments submitted by the Department of
6 Community Affairs contained no objections to the amendments contained
7 in this ordinance;

8 WHEREAS, on December 13, 2004 the Palm Beach County Board of
9 County Commissioners held a public hearing to review the written
10 comments submitted by the Department of Community Affairs and to
11 consider adoption of the amendments; and

12 WHEREAS, the Palm Beach County Board of County Commissioners has
13 determined that the amendments comply with all requirements of the
14 Local Government Comprehensive Planning and Land Development
15 Regulations Act.

16 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
17 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

18 Part I. Amendments to the 1989 Comprehensive Plan

19 Amendments to the text of the following Element of the 1989
20 Comprehensive Plan are hereby adopted and attached to this Ordinance
21 in Exhibit 1:

22 A. Introduction and Administration Element; to modify the
23 Coastal High Hazard Area (CHHA) and the Hurricane
24 Vulnerability Zone definitions; to add a definition for
25 Hurricane Evacuation Zone;

26 B. Coastal Management Element; to revise and update the CHHA
27 reference; to revise text to address grammatical or syntax
28 errors and reflect current conditions;

29 C. Map Series; to revise Map CM 2.1 to reflect the updated
30 boundaries for the Hurricane Evacuation Zone Plan A; and

31 D. Amending all elements as necessary for internal
32 consistency.

33 Part II. Repeal of Laws in Conflict

34 All local laws and ordinances applying to the unincorporated area
35 of Palm Beach County in conflict with any provision of this ordinance

1 are hereby repealed to the extent of such conflict.

2 Part III. Severability

3 If any section, paragraph, sentence, clause, phrase, or word of
4 this Ordinance is for any reason held by the Court to be
5 unconstitutional, inoperative or void, such holding shall not affect
6 the remainder of this Ordinance.

7 Part IV. Inclusion in the 1989 Comprehensive Plan

8 The provision of this Ordinance shall become and be made a part
9 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
10 Ordinance may be renumbered or relettered to accomplish such, and the
11 word "ordinance" may be changed to "section," "article," or any other
12 appropriate word.

13 Part V. Effective Date

14 The effective date of this plan amendment shall be the date a
15 final order is issued by the Department of Community Affairs or
16 Administration Commission finding the amendment in compliance in
17 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
18 applicable. No development orders, development permits, or land uses
19 dependent on this amendment may be issued or commence before it has
20 become effective. If a final order of noncompliance is issued by the
21 Administration Commission, this amendment may nevertheless be made
22 effective by adoption of a resolution affirming its effective status,
23 a copy of which resolution shall be sent to the Florida Department of
24 Community Affairs, Division of Community Planning, Plan Processing
25 Team. An adopted amendment whose effective date is delayed by law
26 shall be considered part of the adopted plan until determined to be
27 not in compliance by final order of the Administration Commission.

1 Then, it shall no longer be part of the adopted plan unless the local
2 government adopts a resolution affirming its effectiveness in the
3 manner provided by law.

4 APPROVED AND ADOPTED by the Board of County Commissioners of
5 Palm Beach County, on the 13 day of December, 2004.

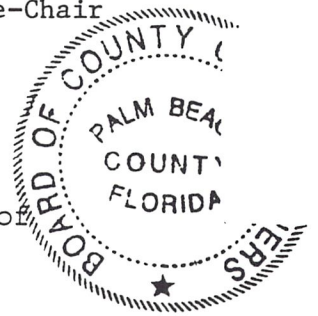
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7 ATTEST:
8 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

9
10 By: Donna S. Cate By: Addie L. Greene
11 Deputy Clerk ~~Tony Masiolotti, Chairman~~
12 Addie L. Greene, Vice-Chair

13
14 APPROVED AS TO FORM AND LEGAL SUFFICIENCY
15 [Signature]
16 COUNTY ATTORNEY

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19 Filed with the Department of State on the 17 day of
20 December, 2004.



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EXHIBIT 1

REVISIONS: To revise and update. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

- A. **Introduction and Administration Element**, modifying the Coastal High Hazard Area (CHHA) and the Hurricane Vulnerability Zone definitions. Also, adding a definition for Hurricane Evacuation Zone

COMPREHENSIVE PLAN DEFINITIONS

1. **[NEW] HURRICANE EVACUATION ZONES:** A geographic area defined by the Palm Beach County Division of Emergency Management in which all persons are required to evacuate in the potential event of a hurricane, as described by Plan A- Hurricane Categories 1-2 and Plan B- Hurricane Categories 3-5.
2. **REVISED COASTAL HIGH HAZARD AREA:** ~~- the evacuation zone for a Category 1 hurricane as established in the regional hurricane evacuation study.~~ The Hurricane Evacuation Zones delineated as Plan A-Hurricane Categories 1-2 as established by the Palm Beach County Division of Emergency Management.
3. **REVISED HURRICANE VULNERABILITY ZONE:** ~~- Evacuation the Areas delineated by the regional or local hurricane evacuation plan as Plan B Hurricane Evacuation Zone by Palm Beach County Division of Emergency Management, as requiring evacuation in the event of a 400-year storm or Category 3-5 storm event hurricane.~~

- B. **Coastal Management Element (CME)**, revising and updating the CHHA reference in the text of the CME and revising text of the CME with minor changes to address grammatical or syntax errors, and to reflect current conditions.

REVISED: Introduction Section:

INTRODUCTION

Coastal Development and Emergency Management

Florida is located in a hurricane-vulnerable area. A number of tropical storms and hurricanes have affected the South Florida region in the past, indicating a need to identify vulnerable areas, establish policies concerning pre-disaster planning and management, and plan for post-disaster redevelopment.

In the event of a devastating natural disaster such as a hurricane, the County would rely on a reserve contingency fund (that is part of its annual budget) to fund the immediate repair and re-establishment of critical or essential facilities.

Palm Beach County has full responsibility for coordination of all evacuation procedures during a natural disaster. The Emergency Management Division (EMD) is the County's entity responsible for coordinating evacuation of the population at risk during a hurricane event. For this reason, the Palm Beach County Comprehensive Emergency Management Plan is Countywide in scope. The plan establishes official policy for unincorporated areas and public agencies that are under the direct control of the Board of County Commissioners and any municipality in Palm Beach County that has not developed and attained approval of its own plan (in accordance with Rule 9JG-6 and 7, FAC, as authorized by Chapter 252, FS).

In order to provide for the health, safety, and welfare of its citizens, the County developed the Post-Disaster Redevelopment Plan in June 1996. The plan ensures that sound pre- and post-disaster redevelopment policies are developed to reduce loss of life and protect property. Palm Beach County's Coastal High-Hazard Area (CHHA) is the designated evacuation zone for ~~a Category 1 hurricane~~ Plan A-Hurricane Categories 1-2. It is anticipated that the number of structures located within the CHHA will continue to increase.

The infrastructure in the coastal area is available at urban levels of service and subject

to concurrency requirements. Palm Beach County prohibits additional densities in the CHHA and does not fund infrastructure improvement or expansion that facilitate density increases beyond Future Land Use Atlas densities and adjacent densities.

Redevelopment of coastal or shore protection structures is subject to both the County's code and Section 161.041, Florida Statutes, which permits coastal construction or reconstruction of shore protection structures under the authority of FDEP.

OBJECTIVE 1.1 Protection and Enhancement of Coastal and Eustuarine Environmental Quality

1. **REVISED Policy 1.1-m:** The County shall continue to protect manatees and manatee habitats through: the continued coordination, enforcement and possible expansion of the State's Intracoastal Waterway Speed Zone Program; and through the implementation of applicable sections of the ULDC. The County shall also continue the implementation of the Environmental Enhancement Program; educational activities, and develop a comprehensive boat facility siting plan and a manatee protection plan that ~~can~~ may be adopted by all 23 affected local governments. [9J-5.012(3)(c)1]
 2. **REVISED Policy 1.1-o:** The County shall evaluate the impacts of jet-skis and other personal watercraft on seagrasses and manatees by January, ~~2004~~ 2005, and shall make amendments to this element as necessary to implement appropriate recommendations. To the extent possible, existing studies shall be utilized to accomplish this policy. [9J-5.012(3)(c)1,2]
 3. **REVISED Policy 1.2-b:** Update the ~~Palm Beach County Atlas Shoreline Management Plan (Olsen Associates, 1987)~~ Coastal Data Mapping web site annually to provide updated public information. [9J-5.012(3)(c)1,2]
 4. **REVISED Policy 2.4-b:** The County Division of Emergency Management shall coordinate with all affected municipalities; and, local, regional, or state agencies to maintain an efficient and timely evacuation process in the case of a hurricane, in accordance with the provisions of Rules 9G-6 and ~~9G-7~~, FAC. [9J-5.012(3)(c)3,4,14]
 5. **REVISED Policy 2.4-c:** The County shall update its Comprehensive Emergency Management Plan periodically in a manner consistent with Rules 9G-6 and ~~9G-7~~, FAC to incorporate changes to population, highways/bridges, shelter modifications, hurricane hazard analysis, and forecast techniques. [9J-5.012(3)(c)4]
- C. Map Series Map CM 2.1, Coastal High Hazard Area Map to reflect the updated boundaries for the hurricane evacuation zone Plan A provided by Palm Beach County Division of Emergency Management.**

REVISED Map Series CM 2.1:



STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk and Comptroller
certify this to be a true and correct copy of the original
filed in my office on December 13, 2004
dated at West Palm Beach, FL on 1/28/05
By: Sharon Bock
Deputy Clerk